

**IN THE UNITED STATES DISTRICT COURT
FOR MIDDLE DISTRICT OF ALABAMA**

RANCE FREEMAN GORDON,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:05-cv-1007-MEF-CSC
)	
JAIL ADMINISTRATOR)	
BOWERS, et al.,)	
)	
Defendants.)	

RANCE FREEMAN GORDON,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:05-cv-1021-MHT-CSC
)	
JAIL ADMINISTRATOR)	
BOWERS, et al.,)	
)	
Defendants.)	

MOTION TO CONSOLIDATE

COME NOW the Defendants in the above styled causes, by and through their undersigned counsel, and move this Honorable Court to consolidate the above-styled matters. As reasons for so moving, Defendants state as follows:

1. The two lawsuits styled above have been filed by, and solely on behalf of, the Plaintiff, Rance Freeman Gordon. In Civil Action Number 1:05-cv-1007-MEF-CSC, "Gordon I," Plaintiff named as Defendants Jail Administrator Gary Bowers, Corrections Office Purter, Corrections Officer Whiton, Corrections Officer Reeve, and Corrections Officer Evans. In Civil Action Number 1:05-cv-1021-MHT-CSC, "Gordon II," Plaintiff names as Defendants the Elmore County Jail, Jail Administrator Gary Bowers, Corrections Officer Purter, Corrections Officer

Whiton , Corrections Officer Reeves, and Corrections Officer Evans. The Elmore County Jail has been dismissed as a party to this case. Therefore, all the Defendants remaining in the two cases are employees of the Elmore County Sheriff's Department. Further, all remaining Defendants in the two cases are identical.

2. In "Gordon I," Plaintiff alleges that he was "physically assaulted" while incarcerated at the Elmore County Jail on September 22, 2005; and that the water to his cell has been turned off. In "Gordon II," Plaintiff re-alleges the facts set forth in "Gordon I," without alleging any new or different allegations in his Complaint. Thus, both lawsuits arise out of the same facts and circumstances, and all testimony and other evidence will be identical with regard to addressing the Plaintiff's allegations in each case.

3. The Plaintiff's claims for damages and, in all likelihood, any supporting evidence for such damages, are identical in each case. In both Complaints, Plaintiff's prayer for relief is a "lawsuit the Jail and the people who did this to me." See Plaintiff's Complaint, Civil Action No. 2:05-cv-1007; see also Plaintiff's Complaint, Civil Action No. 2:05-cv-1021 ("I would like to put a lawsuit on Elmore County Jail."). The Plaintiff also requests injunctive relief in both Complaints. See Plaintiff's Complaint, Civil Action No. 2:05-cv-1007; see also Plaintiff's Complaint, Civil Action No. 2:05-cv-1021.

4. The parties will not be prejudiced by a consolidation of these matters, and a consolidation will, in all respects, be in the best interest of both judicial economy, and the need of the parties to minimize expenditures.

WHEREFORE, PREMISES CONSIDERED, the Defendants respectfully request this Honorable Court consolidate the two above-styled cases.

Respectfully submitted this 30th day of November, 2005.

s/C. Richard Hill, Jr.
C. RICHARD HILL, JR. Bar No. HIL045
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CERTIFICATE OF SERVICE

I hereby certify that on this the 30th day of November, 2005, I have served the foregoing document on the following:

Rance Freeman Gordon
AIS# 242696
Elmore County Jail
8955 U.S. Highway 231
Wetumpka, AL 36092

by placing a true and correct copy of the foregoing in the U.S. Mail, postage prepaid, on this the 30th day of November, 2005.

s/C. Richard Hill, Jr.
OF COUNSEL